

Rejoinder and allowance of any claim defining a method of making and/or using a product defined by an allowable claim, at an appropriate time, are requested.

Withdrawal of the restriction requirement, at least with regard to the alleged lack of unity as between the subject matter of the Examiner's Groups II and VI, is requested as the claim of the Examiner's Group VI defines a method of using the compounds defining the Examiner's Group II. The Examiner's comments on page 8 (¶(2)) of the Office Action dated September 3, 2008 suggests that the compounds of the Examiner's Group II should be examined with the method of the Examiner's Group VI.

The Examiner has not demonstrated a lack of unity of invention as between any of the indicated Groups of subject matter such as by citation of a novelty destroying document.

Claims 96, 97 and 98 are believed to read on the elected species. A search of all compounds of the elected subject matter is not believed to present an undue burden for the Examiner and the Examiner has not demonstrated that the species of the elected Group lack unity of invention. Withdrawal of the species election requirement and examination of at least the subject matter of the elected Group are requested.

An early and favorable Action on the merits of the claimed subject matter is requested.

The Examiner is requested to contact the undersigned, preferably by telephone, in the event anything further is required.

BORMAN et al.
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Response
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Respectfully submitted,

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